


I certify that the attached is a true and  
correct copy of HSR# 38 which  
was filed of record on 2-4-81  
and referred to the committee on:  
Constitutional Amend.  
Betty Messing  
Chief Clerk of the House

FILED FEB 4 1981

By 

HJ.R. No. 38

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the legislature to  
2 grant to a state finance management committee the power to manage  
3 the expenditure of certain appropriated funds.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. That Article IV of the Texas Constitution be  
6 amended by adding Section 14a to read as follows:

7 Sec. 14a. (a) The legislature by general law, or by rider  
8 in a general appropriations act not inconsistent with general law,  
9 may authorize or direct the state finance management committee to  
10 manage the expenditure of appropriated funds, except funds  
11 constitutionally dedicated to a specific purpose, in the manner, to  
12 the extent, and subject to the conditions and limitations provided  
13 by the law or rider.

14 (b) The state finance management committee is composed of  
15 the governor, who serves as chairman, the lieutenant governor, who  
16 serves as vice-chairman, the speaker of the house of  
17 representatives, the chairman and vice-chairman of the senate  
18 committee having jurisdiction over appropriations, and the chairman  
19 and vice-chairman of the committee of the house of representatives  
20 having jurisdiction over appropriations.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held on November 2,  
23 1982. The ballot shall be printed to provide for voting for or  
24 against the proposition: "The constitutional amendment to allow

- 1 the legislature to grant to a state finance management committee
- 2 the power to manage the expenditure of certain appropriated funds."

# HOUSE COMMITTEE REPORT

1ST PRINTING

F

By Simpson

H.J.R. No. 38

## A JOINT RESOLUTION

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H.J.R. No. 38

- 1 the legislature to grant to a state finance management committee
- 2 the power to manage the expenditure of certain appropriated funds."

COMMITTEE REPORT

The Honorable Bill Clayton  
Speaker of the House of Representatives

5-5-81

(date)

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred HJR 38, have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( X ) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ( X ) yes ( ) no

An author's fiscal statement was requested. ( ) yes ( X ) no

An actuarial analysis was requested. ( ) yes ( X ) no

The Committee recommends that this measure be placed on the ~~House~~ or ~~Senate~~ Calendar.

This measure ( ) proposes new law.  
( ) amends existing law.

( X ) proposes a constitutional amendment

House Sponsor of Senate Measure \_\_\_\_\_.

The measure was reported from Committee by the following vote:

AYE

NAY

PNV

ABSENT

McFarland, Ch.	✓			
Whaley, V.C.				✓
Atkinson				✓
Barrientos			✓	
Delco	✓			
Elizondo	✓			
Schoolcraft	✓			
Sharp	✓			
Ware				✓

Total

5 aye

0 nay

1 present, not voting

3 absent

CHAIRMAN

COMMITTEE COORDINATOR

## ANALYSIS

### Background Information

Article II of the Texas Constitution establishes the doctrine of separation of powers; i.e., the principle that the powers of government are divided among three separate and distinct branches or departments of government. The doctrine of separation is, however, subject to exceptions "expressly permitted" in the Constitution.

In the general election in November of 1980, the electorate rejected a proposal to grant the governor the power to exercise fiscal control over the expenditure of appropriated funds by a vote of 1,400,301 to 1,775,810.

### Purpose and Synopsis

The purpose of this resolution is to amend Art. IV of the Texas Constitution by adding Sec. 14a which enables the legislature to authorize or direct a state finance management committee to manage the expenditure of appropriated funds, except those which are constitutionally dedicated. The resolution further provides that the membership of the state finance management committee shall consist of the governor and lieutenant governor, who shall serve as chairman and vice-chairman, respectively, and the speaker of the house of representatives, and the chairmen and vice-chairmen of the senate and house of representatives committees having jurisdiction over appropriations.

Finally, the resolution provides for submission of the proposed constitutional amendment, in a prescribed ballot form, to the voters at an election to be held November 2, 1982.

### Rulemaking Authority

This resolution enables the legislature to empower a state finance management committee to manage the expenditure of certain appropriated funds.

A reasonable estimate of the cost and economic impact of the proposed rulemaking cannot be made at this time.

### Summary of Committee Action

Public notice was posted in accordance with Rule V, Section 14, Rules of Procedure of the House of Representatives, and a public hearing was held on April 7, 1981.

The following individuals testified in support of HJR 38:

Nancy Bene, Legislative Director, League of Women  
Voters of Texas  
Rob Looney, Attorney, Texas Association of Business  
James J. Kaster, Legislative Liaison, Office of the  
Governor  
Speaker Bill Clayton

There were no witnesses in opposition to HJR 38.

The resolution was referred to a subcommittee consisting of the following: Ware, ch., Schoolcraft and Sharp, members. On April 28, 1981, the measure was reported to the full committee without amendments.

On May 5, 1981, the full committee voted to report HJR 38 to the House without amendments and the recommendation that it do pass by a record vote of five (5) ayes, no (0) nays, and one (1) PNV (3 members absent).

H. J. R. 38 as engrossed  
by: Simpson

Committee on  
Finance

## BILL ANALYSIS

### BACKGROUND INFORMATION

In the general election in November of 1980, the electorate rejected a proposal to grant the Governor the power to exercise fiscal control over the expenditure of appropriated funds by a vote of 1,400,301 to 1,775,810.

### PURPOSE

To propose an amendment to the Constitution granting to the Legislature the authority to exercise some control over the expenditure of appropriated funds.

### SECTION BY SECTION ANALYSIS

SECTION 1: Amends Article IV of the Texas Constitution by adding Section 14a which enables the Legislature to authorize or direct a State Finance Management Committee to manage the expenditure of appropriated funds, except those which are constitutionally dedicated. It further provides that the membership of the State Finance Management Committee shall consist of the Governor and Lieutenant Governor, who shall serve as Chairman and Vice-Chairman, respectively, and the Speaker of the House of Representatives, and the Chairmen and Vice-Chairmen of the Senate and House of Representatives Committees having jurisdiction over appropriations.

SECTION 2: Provides for submission of the proposed constitutional amendment, in a prescribed ballot form, to the voters at an election to be held November 2, 1982.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 23, 1981

Honorable Bob McFarland, Chairman  
Committee on Constitutional Amendments  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 38  
By: Simpson

Sir:


In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Joint Resolution No. 38 (proposing a constitutional amendment to allow the Legislature to grant to a State Finance Management Committee the power to manage the expenditure of certain appropriated funds) to be as follows:

The resolution, should it be adopted, would permit the Legislature to grant a State Finance Management Committee authority to oversee the expenditure of certain appropriated funds. Funds constitutionally dedicated to specific purposes would not be subject to oversight by the Committee. The Committee would be comprised of the Governor (who would serve as Chairman), Lieutenant Governor (Vice-Chairman), Speaker of the House of Representatives, and the Chairmen and Vice-Chairmen of the Senate Finance and House Appropriations Committees.

It is anticipated that some additional staff would be necessary in support of the State Finance Management Committee, but the costs would depend upon the frequency of meetings of the Committee, intensity of its review of proposed expenditures and the depth of required staff review and analysis.

No fiscal implication or additional cost to units of local government attributable to the resolution, should it be adopted, is anticipated except for the costs of publication.

The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding will cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it will be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

  
Thomas M. Keel  
Director

Source: Comptroller of Public Accounts; LBB Staff: TK, HES, LV



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 23, 1981

Honorable Grant Jones, Chairman  
Committee on Finance  
Senate Chamber  
Austin, Texas

In Re: House Joint Resolution No. 38  
as engrossed  
By: Simpson

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of House Joint Resolution No. 38, as engrossed (proposing a constitutional amendment to allow the Legislature to grant to a State Finance Management Committee the power to manage the expenditure of certain appropriated funds) to be as follows:

The resolution, should it be adopted, would permit the Legislature to grant a State Finance Management Committee authority to oversee the expenditure of certain appropriated funds. Funds constitutionally dedicated to specific purposes would not be subject to oversight by the Committee. The Committee would be comprised of the Governor (who would serve as Chairman), Lieutenant Governor (Vice-Chairman), Speaker of the House of Representatives, and the Chairmen and Vice-Chairmen of the Senate Finance and House Appropriations Committees.

It is anticipated that some additional staff would be necessary in support of the State Finance Management Committee, but the costs would depend upon the frequency of meetings of the Committee, intensity of its review of proposed expenditures and the depth of required staff review and analysis.

No fiscal implication or additional cost to units of local government attributable to the resolution, should it be adopted, is anticipated except for the costs of publication.

The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding will cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it will be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

  
Thomas M. Keel  
Director

Source: Comptroller of Public Accounts; LBB Staff: TK, HES, LD

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 29, 1981

Honorable Grant Jones, Chairman  
Committee on Finance  
Senate Chamber  
Austin, Texas

In Re: House Joint Resolution No. 38,  
as amended

Sir:


In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of House Joint Resolution No. 38, as amended (proposing a constitutional amendment to allow the Legislature to grant to a State Finance Management Committee the power to manage the expenditure of certain appropriated funds) to be as follows:

The resolution, should it be adopted, would permit the Legislature to grant a State Finance Management Committee authority to oversee the expenditure of certain appropriated funds. Funds constitutionally dedicated to specific purposes would not be subject to oversight by the Committee. The Committee would be comprised of the Governor (who would serve as Chairman), Lieutenant Governor (Vice-Chairman), Speaker of the House of Representatives, and the Chairmen of the Senate Finance, Senate State Affairs, House Appropriations, and House Ways and Means Committees.

It is anticipated that some additional staff would be necessary in support of the State Finance Management Committee, but the costs would depend upon the frequency of meetings of the Committee, intensity of its review of proposed expenditures and the depth of required staff review and analysis.

No fiscal implication or additional cost to units of local government attributable to the resolution, should it be adopted, is anticipated except for the costs of publication.

The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding will cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it will be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

  
Thomas M. Keel  
Director

Source: Comptroller of Public Accounts; LBB Staff: TK, HES, NH

# HOUSE ENGROSSMENT

SPECIAL PRINTING

By Simpson

H.J.R. No. 38

## A JOINT RESOLUTION

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14 (b) The state finance management committee is composed of  
15 the governor, who serves as chairman, the lieutenant governor, who  
16 serves as vice-chairman, the speaker of the house of  
17 representatives, the chairman and vice-chairman of the senate  
18 committee having jurisdiction over appropriations, and the chairman  
19 and vice-chairman of the committee of the house of representatives  
20 having jurisdiction over appropriations;

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held on November 2,  
23 1982. The ballot shall be printed to provide for voting for or  
24 against the proposition: "The constitutional amendment to allow

H.J.R. No. 38

- 1 the legislature to grant to a state finance management committee
- 2 the power to manage the expenditure of certain appropriated funds."

COMMITTEE REPORT FORM

*James*  
Austin, Texas

5-29-81

Date of report to Senate

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on Finance to which was referred  
*HJR* B. No. 38 have had the same under consideration, and I am instructed to report it back to the Senate  
with the recommendation that it do pass as amended and be printed.

*Grant*  
Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

# SENATE AMENDMENTS

2ND PRINTING

1991 JUN -1 PM 4:52

HOUSE OF REPRESENTATIVES

By Simpson

H.J.R. No. 38

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24 against the proposition: "The constitutional amendment to allow

H.J.R. No. 38

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- 2 the power to manage the expenditure of certain appropriated funds."





Committee HJR 38  
Amend # 1

Far-hu

~~Amend Section 1 by striking~~  
~~the language on~~  
strike section 14a(b),<sup>sec 1 of the HJR</sup> and  
substitute therefor the  
following:

(b) the state finance management  
committee is composed of the  
governor, who serves as chairman,  
the lieutenant governor, who  
serves as vice-chairman, the  
speaker of the house of representatives,  
the chairman of the senate  
committee having jurisdiction  
over appropriations, the  
chairman of the senate state  
affairs committee, the  
chairman of the committee

of the house of representatives  
having jurisdiction over  
appropriations, and the  
chairman of the house  
of representatives ways  
and means committee,

**ADOPTED**

JUN 1 1981

*Robert King*  
Secretary of the Senate

*UAB*

Amend # 2  
HJR # 38

Fischer

Change Section 2 ~~to~~ <sup>by</sup>  
~~striking~~ "November 2, 1982"  
at line 22 ~~to~~ 23 and  
substitute therefor  
"November 3, 1981"

ADOPTED

JUN 1 1981

*Barry King*  
Secretary of the Senate

AB

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

JUN 1 1981

*Betty King*  
Secretary of the Senate



F

ENROLLED

H.J.R. No. 38

A JOINT RESOLUTION

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(b) The state finance management committee is composed of the governor, who serves as chairman, the lieutenant governor, who serves as vice-chairman, the speaker of the house of representatives, the chairman of the senate committee having jurisdiction over appropriations, the chairman of the senate state affairs committee, the chairman of the committee of the house of representatives having jurisdiction over appropriations, and the chairman of the house of representatives ways and means committee.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 3, 1981. The ballot shall be printed to provide for voting for or

H.J.R. No. 38

1     against the proposition: "The constitutional amendment to allow  
2     the legislature to grant to a state finance management committee  
3     the power to manage the expenditure of certain appropriated funds."

H.J.R. No. 38

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 38 was passed by the House on May 19, 1981, by the following vote: Yeas 118, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 38 on June 1, 1981, by the following vote: Yeas 121, Nays 21, 1 present, not voting.

---

Chief Clerk of the House

H.J.R. No. 38

I certify that H.J.R. No. 38 was passed by the Senate, with amendments, on June 1, 1981, by the following vote: Yeas 25, Nays 6.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

RECEIVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Secretary of State



J. R. No. 38

By Ed Simpson

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to allow the legislature to grant to a state finance management committee the power to manage the expenditure of certain appropriated funds.

FEB 4 1981

1. Filed with the Chief Clerk.

FEB 11 1981

2. Read first time and referred to Committee on

Constitutional Amendments

MAY 5 1981

3. Reported favorably <sup>(as amended)</sup>  
~~(as substituted)~~ and sent to Printer at

MAY 7 1981

10:50 am

MAY 7 1981

4. Printed and distributed at 2:05 pm.

MAY 7 1981

5. Sent to Committee on Calendars at 2:28 pm

MAY 19 1981

6. Read second time (~~amended~~) and (finally) passed ~~to Third Reading~~ by a Record Vote of 118 yeas, 21 nays, 2 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 19 1981

11. Ordered Engrossed at 5:58 pm

MAY 19 1981

12. Engrossed.

MAY 19 1981

13. Returned to Chief Clerk at 7:21 pm

MAY 20 1981

14. Sent to the Senate.

Betty Murray  
Chief Clerk of the House

MAY 20 1981

15. Received from the House

MAY 21 1981

16. Read, referred to Committee on FINANCE

MAY 29 1981

17. Reported favorably as amended

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

JUN 1 1981

20. Regular order of business suspended by U.C.  
(a viva voce vote) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

JUN 1 1981

22. Read second time AMENDED passed to third reading by:  
(a viva voce vote) \_\_\_\_\_ yeas, 6 nays.)

JUN 1 1981

23. Caption ordered amended to conform to body of bill.

JUN 1 1981

24. Senate and Constitutional 3-Day Rules suspended by vote of 25 yeas, 6 nays to place bill on third reading and final passage.

JUN 1 1981

25. Read third time and passed by

(a viva voce vote.)  
( 25 yeas, 6 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

June 1, 1981

26. Returned to the House.

JUN 1 1981

27. Received from the Senate (with amendments.)  
~~(amended)~~

JUN 1 1981

28. House (Concurred) (~~Refused to Concur~~) in Senate (Amendments) by a (~~Non-Record~~)  
~~Vote~~ (Record Vote of 121 yeas, 21 nays, 1 present, not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

JUN 1 1981

31. Ordered Enrolled at 9:39 pm

HOUSE OF REPRESENTATIVES  
1981 JUN -1 PM 4:52